

KURODA et al.
Serial No. 09/885,005
Response to Office Action dated October 6, 2005

Amendments to the Drawings:

Figure 10 has been amended to correct an obvious typographical error.

Attachments: Annotated Drawing Sheet Showing Changes

Replacement Drawing Sheet

REMARKS

Reconsideration and allowance of the subject patent application are respectfully requested.

The specification and drawings have been amended to correct informalities. Entry of these amendments is respectfully requested.

To clarify the record, the Office Action Summary sheet should indicate that a PTO-1449 form was attached for the Information Disclosure Statement (IDS) of November 1, 2001 was attached to the office action, in addition to forms for the IDS's of September 3, 2004 and April 27, 2005.

The office action indicates that the IDS of April 27, 2005 does not comply with 37 CFR 1.97(c) because it lacks a statement of relevance for each citation not in the English language. Applicants note that USP 5,170,388 (cited in the April 27, 2005 IDS) is an English-language counterpart for the Korean patent document no. 0070315. USP 5,946,447 is an English-language counterpart for the Japanese patent document no. 07-272445 and is identified in the IDS submitted concurrently herewith. The IDS also provides an English-language abstract for the Japanese patent document.

Claims 31 and 32 were rejected under 35 U.S.C. Section 112, first paragraph, as allegedly failing to comply with the written description requirement. For the sole purpose of advancing prosecution and without conceding the propriety of this rejection, claims 31 and 32 have been canceled without prejudice or disclaimer.

Claims 1, 2, 4-13, 15-20 and 27-30 were rejected under 35 U.S.C. Section 102(e) as allegedly being "anticipated" by Utsumi et al. (U.S. Patent No. 6,400,667). Claims 3, 14, 21-26, 31 and 32 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over Utsumi et al. While not agreeing with these rejections, independent claims 1, 9, 12, 18, 21, 27 and 30 have been amended and conforming amendments have been made to certain claims that depend therefrom. The discussion below makes reference to the amended claims.

Utsumi et al. describes a reproduction apparatus and method involving main data (e.g., audio data), sub data relating to the main data (e.g., title, track and artist data), main management data indicative of recorded positions of the main data, and sub management data indicative of the recorded positions of the sub data and reproduction starting timings of sub data.

Independent claims 1, 9, 12, 18, 21, 27 and 30 each calls for the whole of main information to be cyclically outputted. While Utsumi et al. discloses recording information, Utsumi et al. does not disclose or suggest cyclically outputting information to, for example, be recorded and for this reason alone Utsumi et al. cannot anticipate or render obvious claims 1, 9, 12, 18, 21, 27 and 30 or those claims that depend therefrom.

In particular, Utsumi et al. describes a recording operation from col. 8, line 55 to col. 9, line 21. There is no disclosure or suggestion herein of, for example, the cyclical output of data to be recorded or of how a recording apparatus would handle such cyclical output. There is also no description that the information to be recorded includes order information as claimed.

Utsumi et al. also describes sector format and address format beginning in col. 11. However, there is no disclosure or suggestion, for example, that such information, or related information, accompany information to be recorded.

Moreover, claims 9, 18, 27 and 30 further call for determining whether or not the whole of one main information is completely recorded in accordance with obtained order information. If the whole of one main information is not completely recorded in a session, the remaining partial information and order information in the one main information is recorded in another session. Utsumi et al. similarly does not disclose or suggest this feature. For this additional and independent reason, claims 9, 18, 30 and those claims that depend therefrom cannot be anticipated or made obvious by Utsumi et al.

For at least these reasons, withdrawal of the rejections of the claims as being anticipated or made obvious by Utsumi et al. is respectfully requested.

New claims 33-38 have been added. Applicants respectfully submit that the subject matter of these new claims is fully supported by the original disclosure and that no new matter is added.

Claim 33 is directed to an output apparatus for outputting contents that are distributed to a recording apparatus. The output apparatus includes an outputting section for repeatedly outputting an entire information unit comprising information pieces of an entire information unit, each information piece being output with associated order information indicative of that information piece's position in a recording/reproducing order of the information pieces. A transmitting section transmits the information pieces and associated order information to a recording apparatus for recording the information pieces onto a recording medium in accordance

with the order information. Utsumi et al. fails to disclose or suggest, for example, repeatedly outputting information pieces of an entire information unit as specified in claim 33 and the claims that depend therefrom.

Claim 36 is directed to a recording apparatus for recording contents that are distributed by an output apparatus. The recording apparatus includes a receiving section for receiving information pieces of an entire information unit repeatedly transmitted by the output apparatus, each information piece having associated order information indicative of that information piece's position in a recording/reproducing order of the information pieces. A recording section records the received information pieces onto a recording medium, wherein the recording section uses the order information so that recording of the information pieces onto the recording medium can begin even if an information piece initially received by the receiving section is not the first information piece in the recording/reproducing order and so that recording of the information pieces onto the recording medium can be completed during a subsequent one of the repeated transmissions of the entire information unit by the output apparatus. Utsumi et al. fails to disclose or suggest, for example, the repeated transmission or the beginning of recording even if an information piece initially received by the receiving section is not the first information piece in the recording/reproducing order as specified in claim 36 and the claims that depend therefrom.

The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



Michael J. Shea
Reg. No. 34,725

MJS:mjs
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100



FIG. 10

